



4312-50

**DEPARTMENT OF THE INTERIOR**

**[2253-665]**

**National Park Service**

**Notice of Inventory Completion: Minnesota Indian Affairs Council, Bemidji, MN**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

---

**SUMMARY:** The Minnesota Indian Affairs Council has completed an inventory of human remains, in consultation with the appropriate Indian tribes, and has determined that there is no cultural affiliation between the remains and any present-day Indian tribe. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains may contact the Minnesota Indian Affairs Council. Disposition of the human remains to the Indian tribes stated below may occur if no additional requestors come forward.

**DATES:** Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains should contact the Minnesota Indian Affairs Council at the address below by *[insert date 30 days after publication in the **Federal Register**]*.

**ADDRESSES:** James L. (Jim) Jones, Cultural Resource Director, Minnesota Indian Affairs Council, 3801 Bemidji Avenue NW, Suite 5, Bemidji, MN 56601, telephone (218) 755-3223.

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the Minnesota Indian Affairs Council. The human remains were removed from Clay and Ottertail Counties, MN.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations

in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

### **Consultation**

A detailed assessment of the human remains was made by the Minnesota Indian Affairs Council (MIAC) professional staff in consultation with representatives of the Flandreau Santee Sioux Tribe of South Dakota; Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; Lower Sioux Indian Community in the State of Minnesota; Minnesota Chippewa Tribe, Minnesota; Prairie Island Indian Community in the State of Minnesota; Santee Sioux Nation, Nebraska; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Upper Sioux Community, Minnesota; and the White Earth Band of Minnesota Chippewa Tribe, Minnesota (hereinafter referred to as “The Tribes”).

### **History and description of the remains**

At an unknown date, human remains representing, at minimum, one individual were removed by unknown person(s) from a gravel pit on the farm of Earl Mallinger in Barnesville, Clay County, MN. The human remains were donated to the University of Minnesota in 1964, and accessioned as UM549. In 1966, the human remains were transferred to the Clay County Historical Society (Acc. 66.36) and in 1986, they were transferred to the MIAC (H113-4). No known individuals were identified. No associated funerary objects are present.

The condition of the human remains and cranial morphology identify these human remains as pre-contact American Indian. These human remains have no archeological classification and cannot be associated with any present-day Indian tribe.

In 1939, human remains representing, at minimum, one individual were recovered from a gravel pit in Ottertail County, MN, by a Works Progress Administration crew and were transferred to the University of Minnesota (UM222). In 1989, the human remains were

transferred to the MIAC. No known individuals were identified. No associated funerary objects are present.

The context of this burial and the condition of the remains identify these human remains as pre-contact American Indian. These human remains have no archeological classification and cannot be associated with any present-day Indian tribe.

In the 1930s, human remains representing, at minimum, one individual were removed from a gravel pit near Tenney, in Ottertail County, MN, during construction of a railway. The human remains were purportedly reburied, except for the skull fragments, which were donated to the owner of a local bar. After the death of the bar owner, the reconstructed skull was reburied near Big Pine Lake. In 2009, the same skull was recovered during power line construction on residential property on Big Pine Lake. The human remains were transferred into the custody of the Ottertail County Sheriff's Office and from there to the MIAC (H442). No known individuals were identified. No associated funerary objects are present.

Cranial morphology identifies these human remains as American Indian. The lack of context resulting from removal, reburial and re-removal make it difficult to determine a date for the remains. These human remains have no archeological classification and cannot be associated with any present-day Indian tribe.

#### **Determinations made by the Minnesota Indian Affairs Council**

Officials of the MIAC have determined that:

- Based on non-destructive physical analysis and catalogue records, the human remains are Native American.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.

- According to final judgments of the Indian Claims Commission, the land from which the Native American human remains were removed is the aboriginal land of The Tribes.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains is to The Tribes.

#### **Additional Requestors and Disposition**

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains or any other Indian tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact James L. (Jim) Jones, Cultural Resource Director, Minnesota Indian Affairs Council, 3801 Bemidji Avenue NW, Suite 5, Bemidji, MN 56601, telephone (218) 755-3223, before *[insert date 30 days following publication in the **Federal Register**]*. Disposition of the human remains to The Tribes may proceed after that date if no additional requestors come forward.

The Minnesota Indian Affairs Council is responsible for notifying The Tribes that this notice has been published.

Dated: December 20, 2011

Sherry Hutt,

Manager, National NAGPRA Program.

